

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSEMARY GREENLAW,	)	No. C 12-1598 JSW (PR)
	)	
Petitioner,	)	<b>ORDER DISMISSING</b>
	)	<b>UNEXHAUSTED CLAIMS; TO SHOW</b>
vs.	)	<b>CAUSE</b>
	)	
SHEILA MITCHELL, et al.,	)	
	)	<b>(Docket No. 10)</b>
Respondents.	)	
	)	
	)	

Petitioner, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. The petition set forth nine claims challenging the validity of her criminal conviction and sentence in state court. The Court reviewed the petition and found three claims and part of a fourth claim cognizable. Respondent's motion to dismiss the petition on the grounds that petitioner had exhausted only one claim (Claim 5) was granted. Petitioner was directed to elect one of three possible courses of action: (1) dismiss this petition with an eye to exhausting and then filing another federal petition; (2) amend the petition to dismiss the unexhausted issues, and proceed only with her exhausted claim; or (3) ask for a stay of this case while she exhausts the unexhausted issues in state court. She has filed a notice of election in which she argues that exhaustion should be excused and, if it is not, to proceed with the second option. She has not presented grounds for excusing exhaustion. Accordingly, the unexhausted


1 claims – claims four, nine and two – are DISMISSED. Respondent will be ordered to  
2 show cause why the petition should not be granted based upon Petitioner’s fifth claim.

3 Respondent shall file with the Court and serve on Petitioner, within **ninety-one**  
4 **(91)** days of the date this order is filed, an answer conforming in all respects to Rule 5 of  
5 the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus  
6 should not be granted based upon the fifth claim in the petition. Respondent shall file  
7 with the answer and serve on Petitioner a copy of all portions of the state trial record that  
8 have been transcribed previously and that are relevant to a determination of the issues  
9 presented by the fifth claim in the petition. If Petitioner wishes to respond to the answer,  
10 he shall do so by filing a traverse with the Court and serving it on Respondent within  
11 **twenty-eight (28)** days of the date the answer is filed.

12 This order terminates docket number 10.

13 IT IS SO ORDERED.

14  
15 DATED: May 2, 2013

16   
17 JEFFREY S. WHITE  
18 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ROSEMARY BELLE GREENLAW,

Plaintiff,

v.

SHEILA MITCHELL, ET AL. et al,

Defendant.

Case Number: CV12-01598 JSW


**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 2, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rosemary Belle Greenlaw  
110 Hobson Street  
San Jose, CA 95110-2224

Dated: May 2, 2013

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk